Board's View
The Court

P

1929

G.E. 71 & 72.

Department of L R D

OFFICE Board of Rev

STATION Chepauk

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No. 1029

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154

18-4-29

Today M
Written

Dated 15.4.29

To whom sent

Pages in the file

Date

Given for copying 15/4

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Signed

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To be destroyed on* 25 APR 1929

(SUBJECT.)

Suits (S. Kanara) - Kantal Bund
Encht. Dyeries. Sanctions

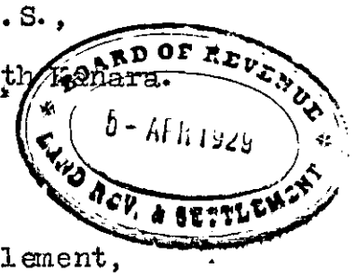
* Not to be filled in in the case of permanent records.

A1182

Ref. on A3-1163-29. South Kanara Collector's office,
Mangalore, 29th March 1929.

From

G. W. Wells, Esquire, M.A., I.C.S.,
Collector of South Kanara.



To

The Secretary to the Board,
Land Revenue & Settlement,
M a d r a s.

Sir,

Suits - (South Kanara District) - Karkal - District Munsif's Court - O.S.No.610/28.

******

I enclose a copy of the plaint in the above suit filed by one Appu Shetti against Padmavathi and 3 others including the Secretary of State, supplemental (4th) defendant.

2. The suit is for the recovery of the arrears of rent due to the plaintiff by the 1st defendant's deceased husband Kanthu Malla. The Secretary of State has been made a ------- supplemental (4th) defendant evidently because there was an escheat enquiry held by the Tahsildar of Karkal into the matte of the immoveable property left by the deceased Kanthu Malla. The State claim to plot S.No.64/1 of Muralvettu village which alone formed the subject matter of escheat having been waived in this office Proceedings D.Dis.4899-28, dated 14th July 1928 (File enclosed). Government is not a necessary party to the sui I am, therefore, of opinion that it is sufficient if a written statement to that effect is filed on behalf of Government. The Local Government Pleader agrees with me and states that th enclosed draft of the written statement is in order. I reque that the Board may be pleased to accord sanction for filing th said written statement on behalf of Government.

3. I received the notice of suit dated 26th January 1929 on 30th January 1929 and consulted the local Government Pleader on 4th February 1929. The Government Pleader sent his reply on 27th March 1929. The suit stands posted to 19th

April 1929. 2

Your obedient servant,

For Collector.

1.4.29.

M.D'S.1/4.

In the Court of the District Munsif of Karkal.

O.S.No.610/1928.

Between Appu Shetti — Plaintiff.

and

Padmavathi and 3 others — Defendants.

Written statement of the 4th defendant under rule 1, order 8 of ~~Code~~ Civil Procedure Code.

1. The Secretary of State for India in Council represented by the Collector of South Kanara.

The address for service of all processes is as above.

2. This defendant submits that the property of the deceased Kanthu Malla has not been declared escheated nor has Government taken possession of it.

3. This defendant is therefore not a necessary party in this suit nor is he interested in its result.

This defendant, therefore, prays that the suit against him may be dismissed with costs.

South Kanara Collector's office,
Mangalore, 29th March 1929.

For Collector.

1.4.29.

4

In the Court of the District Munsif Karkal.

O.S.No.610/1928.

Appu Shetti — Plaintiff

Versus

Padmavathi female & others — Defendants.

Supplemental Defendant described below:

Plaint under Act V/08, Order 7, Rule 1 to 6.

Dated 31st August 1928.

Plaintiff begs to state as follows:--

1. Appu Shetti nephew of Varadaya Shetti, Ryot, Karkal Taluk, Naravi Magane, Muralvettu village. Plaintiff. Process on the Plaintiff to be served on the above address.

2. Padmavathi female, widow of Kanthu Malla, Ryot, residing at present in Pademane, Kallaputtige village, Konnar Magane, Karkal Taluk. Defendant.

Supplemental Defendants have been described below:

3(a). The Defendant's husband, the deceased Kanthu Malla executed a chalgeni lease on 9th October 1926 in favour of the Plaintiff for cultivating the Plaintiff's property described below for the Kshaya year for the undermentioned rent on condition of paying it by 30 Palghuna of Kshaya year and surrendering the property without any objection on the Vishu Sankraman Day.

(b) Defendant has neither paid the rent as stipulated nor surrendered possession of the property. The said Kanthu Malla died in Besha in 1927 and the Defendant who is wife of the said Kanthu Malla is in possession of his property. As the property was left waste on Kanthu Malla's death the ----- Plaintiff cultivated it himself for the Prabhava year and leased it out on chalgeni to another tenant for the current year. As the arrears of rent due to the Plaintiff have not been paid by the Defendant in spite of several requisitions for the Plaintiff, Plaintiff is obliged to bring this suit against the Defendant.

4. The cause of action arose on 1st Chaitra Shudda

of the last Prabhava year in Muralvettu village within the jurisdiction of this Court.

5. This suit is valued at Rs.122-13-0.

6. Claim.

I. Rent due on 30 Palghuna of Kshaya year rice 11 muras of 43 seers each with Holi (penalty) according to the terms of the lease deed at 1 Kalsige for every mura viz., 5 muras, 5 seers.

Total 16 muras of rice 5 seers at Rs.7-4-0 per mura.	116-13- 0
2 loads of vegetables	2- 0- 0
Coolies 4.	1- 8- 0
2 pairs of bullocks for ploughing	1- 8- 0
Hay	1- 0- 0
	122-13- 0

Court costs, interest at 12½% from this date till payment.

Description of property.

Mudabidri Registration Sub District, Karkal Taluk, Muralvettu village, Patta,10.

S.No.

61/6 I W. 1-55. 5-13- 0

Supplemental Defendants.

(2) Pushpavathi, (3) Padmaraja (minor) guardian sister Defendant 2. } Children of Shrimati. } residing in Mapal in Muralvettu village, Karkal Taluk.

Added as supplemental Defendants under Court's order 10/11/28.

As stated by the supplemental Defendants in their statement and as ordered by the Court in Plaintiff's R.I.A.No. 29 the following person has been made a supplemental Defendant. The decree may therefore be passed in his presence.

Supplemental Defendant.

(4) The Secretary of State for India in Council

Added as supplemental Defendant under Court's order 22/1/29.

(True Copy.)

1.4.29

D. 14. 19. 4. 29.

R. F. XXII-A-19.—26,004 - 31-1-29 (6).

Subject.— Suits (S. Kanara) - Kankal Sme - O.S. 610/28 - Escheat - Defence - Sanad

FOR MEMBER.

S

A.J.

W.M. 15/4

READ AGAIN B. P. No. _____, dated _____ 192

" " " " _____ : " _____ 192

READ ALSO :—

p 1 Cy. Register No. A 1182/29, ~~From the~~ _____, No. _____, dated _____ 192

" " _____, " " _____, " _____, " _____ 192 .

" " _____, " " _____, " _____, " _____ 192 .

RESOLUTION. (Misc) No. 1020, dated 15-4-1929

The Board sanctions the defence of the suit and approves the draft written statement submitted by the Collr

p 3 Cy.

19/4 W.M.

To the Collr of S. Kanara with one spare Cy.

Enclosures
15-4-29